

AMENDED IN SENATE JUNE 4, 2007
AMENDED IN SENATE APRIL 25, 2007
AMENDED IN SENATE MARCH 26, 2007

SENATE BILL

No. 345

Introduced by Senator Aanestad

February 20, 2007

An act to amend Section 49110 of, and to add Sections 33054 and 45040.1 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Aanestad. Charter schools.

The Charter Schools Act of 1992 prescribes the requirements for the establishment and operation of charter schools. Charter schools operate independently of the existing school district structure and are exempt from most statutory provisions and regulations governing the operations of public schools.

This bill would make charter schools equivalent to school districts for purposes of submitting applications to the State Board of Education to waive statutory provisions, thereby allowing charter schools to perform that function. The governing board of a charter school would be required to submit its waiver application to the chartering authority for the school, and the governing board of that chartering authority would be required to hold a public hearing to review the application no later than 90 days following receipt of the application. The governing board of a charter school would be authorized to submit its waiver application directly to the ~~State Board~~ *state board* after holding a public hearing to consider that action if the governing board of the chartering authority fails to hold the public hearing within the 90-day period. The

chief executive officer of a charter school would be made equivalent to the superintendent of a school district for purposes of issuing work permits to minors *who are charter school pupils*, thereby allowing the chief executive officer to perform that function. Charter schools would also be made equivalent to school districts for purposes of making salary payments, thereby allowing charter schools to perform that function.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33054 is added to the Education Code,
2 to read:

3 33054. (a) The governing board of a charter school may
4 request, and the ~~State Board~~ *state board* may approve, a waiver
5 of otherwise applicable provisions of this code pursuant to this
6 article. To be eligible to request a waiver, a charter school shall
7 submit its application for a waiver to its chartering authority. The
8 governing board of the chartering authority shall hold the public
9 hearing on the waiver request no later than 90 days following
10 receipt of the request. If the chartering authority fails to hold the
11 public hearing within the 90 days, the charter school shall hold a
12 public hearing prior to submitting the waiver request directly to
13 the ~~State Board~~ *state board*. If the chartering authority is a school
14 district or county board of education, it shall prepare a summary
15 of the public hearing to be forwarded with the waiver request to
16 the ~~State Board~~ *state board*. If the school district or county board
17 of education recommends against approval of the waiver request,
18 it shall set forth the reasons for its disapproval in written
19 documentation that shall be forwarded to the ~~State Board~~ *state*
20 *board*.

21 (b) For purposes of this article, a charter school shall be deemed
22 to be a “school district” that is eligible to submit a waiver
23 application pursuant to this section.

24 (c) A charter school shall meet the same criteria that a school
25 district is required to meet when it requests a waiver, except that
26 the chartering authority shall conduct the public hearing, as
27 required pursuant to subdivision (a).

28 SEC. 2. Section 45040.1 is added to the Education Code, to
29 read:

1 45040.1. For purposes of Sections 45038 to 45040, inclusive,
2 a charter school has the same powers and duties as a school district.

3 SEC. 3. Section 49110 of the Education Code is amended to
4 read:

5 49110. (a) It is the intent of the Legislature that school district
6 personnel responsible for issuing work permits to pupils have a
7 working knowledge of California labor laws as they relate to
8 minors and be trained to provide the pupils practical personal
9 guidance in career education.

10 (b) The superintendent of any school district in which any minor
11 resides, a person holding a services credential with a specialization
12 in pupil personnel services authorized by the superintendent in
13 writing, or a certificated work experience education teacher or
14 coordinator authorized by the superintendent in writing, may issue
15 to certain minors permits to work. If the minor resides in a portion
16 of a county not under the jurisdiction of the superintendent of a
17 school district, the permit to work shall be issued by the county
18 superintendent of schools, by a person holding a services credential
19 with a specialization in pupil personnel services authorized by the
20 county superintendent in writing, or a certificated work experience
21 education teacher or coordinator authorized by the county
22 superintendent in writing.

23 (c) A permit to work shall not be issued until the written request
24 therefor from the parent, guardian, foster parent, caregiver with
25 whom the minor resides, or residential shelter services provider,
26 has been filed with the issuing authority. "Residential shelter
27 services" refers to residential and other support services provided
28 to minors by a governmental agency, a person or agency under
29 contract with a governmental agency to provide these services, an
30 agency receiving funding from community funds, or a licensed
31 community care facility or crisis resolution center on a temporary
32 or emergency basis in a facility that services only minors.

33 (d) If the certificated person designated by the superintendent
34 of a school district to issue work permits is not available, and delay
35 in issuing a permit would jeopardize the ability of a pupil to secure
36 work, a person authorized by the school district superintendent
37 may issue the work permit.

38 (e) If a school district does not employ or contract with a person
39 holding a services credential with a specialization in pupil
40 personnel services or with a certificated work experience education

1 teacher or coordinator, the school district superintendent may
2 authorize, in writing, a person who does not hold that credential
3 to issue permits to work during periods of time in which the
4 superintendent is absent from the district.

5 (f) ~~For purposes of this article, the~~ *The* chief executive officer,
6 or the equivalent position, of a charter school, as designated in the
7 charter, has the same powers and duties as a superintendent of a
8 school district *with regard to the issuance of work permits to*
9 *charter school pupils, pursuant to this article.*